

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS SIMS,)	
)	
Petitioner,)	
)	
v.)	No. 4:10-CV-1400-TCM
)	
CITY OF ST. LOUIS,)	
)	
Respondent.)	

ORDER OF DISMISSAL

Having carefully reviewed petitioner's response to show cause [Doc. #6], the Court concludes that the instant action should be dismissed for petitioner's failure to exhaust available state remedies, as set forth in this Court's Memorandum and Order of August 16, 2010 [Doc. #5].

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**, without prejudice, for failure to exhaust available state remedies.

IT IS FURTHER ORDERED that petitioner is **DENIED** a certificate of appealability if he appeals this order of dismissal.

Dated this 27th day of September, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE